

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed March 11, 2005, is respectfully requested. The Examiner has allowed claims 13-15, rejected claims 1-2 and 4-10 and objected to claims 3, 11 and 12. Applicants have amended claims 1-2 and 12. After amendment, claims 1-18 remain pending in the application. No new matter has been added by these amendments as can be confirmed by the Examiner.

Rejections under 35 U.S.C. § 102(b)

The Office Action has rejected claims 1, 2 and 4-10 under 35 U.S.C. § 102(b), as being anticipated by Kibblewhite. Applicant respectfully traverses this rejection. As amended, claim 1 requires that the processor determine, based upon the stored state of either the output shaft or the load shaft, when the elevated torque generating means generates an elevated torque. In contrast, Kibblewhite only discloses measuring time over a fixed interval of angle. See for example, Kibblewhite at Col. 4, lines 28-33 (“Measurement of the bolt rotation angle per impact is possible but difficult in practice because of the difficulty in making high resolution encoders necessary to detect the relatively small values of $\Delta \phi$ (i.e., $2^\circ - 3^\circ$ at final tightening torques), and the difficulty in determining when an impact has occurred”) as well as Col. 4, lines 49-51 (“by measuring time over a fixed interval of angle, the need for high resolution encoders and determining when an impact has occurred is eliminated”).

Applicant respectfully submits that *measuring* time over a fixed interval of angle as disclosed in Kibblewhite is not the same thing as *determining*, based upon the stored state of either the output shaft or the load shaft, *when* the elevated torque generating means generates an elevated torque, as in claim 1. Thus, Applicant respectfully submits that claim 1 is in condition for allowance.

Claims 2-13 are dependent (either directly or through an additional dependent claim) on claim 1. Because claim 1 is allowable over Kibblewhite, claims dependent therefrom are allowable as well. Thus, Applicant respectfully submits that claims 2-13 are in condition for allowance as well.

Objections to Claims

The Office Action has objected to claims 3 and 11-12 as being dependent upon a rejected base claim. Applicant has amended the application to include new claims 16-18, which include all of the limitations of claims 3 and 11-12, respectively. Thus Applicant respectfully submits that claims 3 and 11-12 are in condition for allowance, which is respectfully requested.

Allowed Claims

Applicant acknowledges and thanks the Examiner for allowance of claims 13-15.

CONCLUSION

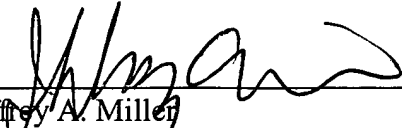
Applicant respectfully submits that is application is in condition for allowance, which is respectfully requested. Should the Examiner have any questions or comments on the application, the Examiner should feel free to contact the undersigned via telephone.

Respectfully submitted,

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By:



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